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Minutes of the Commission Meeting Held on September 11, 2008 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

Commissioners: (P = Present; A = Appointed; E = Elected)

P James Athearn (E – Edgartown)	- Ned Orleans (A – Tisbury)
P John Breckenridge (A – Oak Bluffs)	- Jim Powell (A – West Tisbury)
P Christina Brown (E - Edgartown)	P Doug Sederholm (E – Chilmark)
P Peter Cabana (A – Tisbury)	- Susan Shea (A – Aquinnah)
- Martin Crane (A – Governor Appointee)	- Linda Sibley (E – West Tisbury)
P Mimi Davisson (E – Oak Bluffs)	- Paul Strauss (County Comm. Rep.)
- Mark Morris (A – Edgartown)	- Richard Toole (E – Oak Bluffs)
P Chris Murphy (A – Chilmark)	P Andrew Woodruff (E – West Tisbury)
P Katherine Newman (A – Aquinnah)	

Staff: Mark London (Executive Director), Bill Veno (Senior Analyst), Christine Flynn (Affordable Housing and Economic Planner), Paul Foley (DRI Coordinator)

The meeting was called to order at 7: 40 p.m.

1. ARENA WIND TOWER: DRI NO. 49-M2 – PUBLIC HEARING

Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Davisson, C. Murphy, K. Newman, D. Sederholm, A. Woodruff

For the applicant: Jevon Rego (Board of Directors of the MV Arena); Tyler Studds (Great Rock Wind Power); Jim Albiati (Maxden)

Doug Sederholm re-opened the public hearing.

1.1 Staff Report

Paul Foley gave the staff report.

- He reviewed contents of Commissioner packets.
- The project needs special permits from the Zoning Board of Appeals and from the Planning Board.
- They are proposing a 140 ft. tower with a 50 ft. diameter blade, but the applicants are talking to another company with a slightly bigger blade. They're also in negotiations with the FAA about height and lighting requirements.

- They're applying for a LORI grant, due October 1st. They'd prefer to have their permits by then, but it's not necessary.
- There will be a 20 ft. by 24 ft. equipment shed, surrounded by stockade fence with plantings.
- The wind tower would reduce energy costs by 20%. The cellphone antennae could generate between \$20,000 and \$50,000 a year.

Jevon Rego clarified that Martha's Vineyard Arena will own the tower. There will be a lease agreement with Maxden for space for cell antennas. Maxden will deal with the cell companies.

Paul Foley showed slides from the applicant.

Jevon Rego confirmed that the cell antennas will be flush-mounted. They are proposing mounts closer to the tower than those on the Edgartown Clevelandtown Road tower.

There was a discussion of bird kills.

- **Chris Murphy** asked that, after a year of the turbine running, there be a study of birds that might have been killed. The question is who would do the study and how it would get done. It would be helpful for the Commission in terms of regulating towers in the future.
- **Jevon Rego** said that the numbers they've been quoted are one or two a year maximum.
- **Chris Murphy** suggested a regular consistent inspection would be an approach.

There was a discussion of decommissioning.

- **Doug Sederholm** asked what will happen in the future if the tower is no longer needed and the carrier is no longer on site.
- Commissioners discussed the possibility of an offer stating that if the turbine and cell antennae are not functioning for x amount of time, the tower would be dismantled and removed and the land restored to its prior condition.
- **Jevon Rego** clarified that the primary purpose of the project is to install the wind turbine. The lifespan of the turbine is twenty-five years. The cell component is secondary and doesn't have any bearing on the life expectancy of the tower.
- **Doug Sederholm** agreed that the proposal was for a wind turbine and that if it were to become only a cell tower, this would be a substantial change in use and would have to come back to the Commission.
- **Chris Murphy** suggested that the time period be two years.
- **Jevon Rego** said their primary mission is a wind tower, with the bonus of some antennas. The applicant is comfortable with language that if the wind turbine were not operational for two years, the tower would be dismantled.
- **Tyler Studds** added that, from the perspective of Great Rock Wind Power, leaving a non-functioning turbine up is not an option in terms of their business, technology, and community.

Jim Athearn asked about noise from the cell tower air conditioning equipment. **Jim Albiati** explained that the equipment needs to be in a temperature controlled environment; the air conditioning clicks on and off and is a low noise. Additionally, there is a generator that runs one hour a week as a test; it can be set for any hour during the week.

Mimi Davisson asked about the impact on various abutters.

- **Mark London** said that Land Bank verbally confirmed they are aware of the project and is not taking a position.
- **Jevon Rego** said the Kupersmith property didn't fall within the abutters list.
- **Mark London** said the biggest potential impact is on the resident homesite. He had notified Michael Dutton and the Board of Selectmen subsequently sent a letter supporting the proposal.
- **Mimi Davisson** said she's concerned with people who might have a further out visual impact.
- **Andrew Woodruff** said Thimble Farm will have the most visual impact because he can see the high school tower.

Mimi Davisson said she received a decibel chart she'd asked for.

Mimi Davisson asked if the applicants had considered putting a higher turbine on a different site, where they wouldn't have the airport constraint.

- **Jevon Rego** said there they haven't considered an off-site turbine. They haven't heard from the FAA and will do whatever the FAA tells them to. He's confident that 172 feet will be the maximum.
- **Tyler Studds** said at present, it is not possible to allow transmission of power from off-site. There is work and legislation heading in that direction.

Mark London said staff will work with the applicant to draft wording for conditions.

Doug Sederholm continued the public hearing until Thursday, September 18th.

2. FORTUNE WORLD: DRI NO. – DELIBERATION & DECISION

Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Davisson, C. Murphy, K. Newman, D. Sederholm, A. Woodruff

For the applicant: Peter Breese, architect

Paul Foley reviewed notes from LUPC. LUPC voted unanimously to recommend to the full Commission that the project be approved with offers and conditions.

Commissioners reviewed the draft offers which had been distributed.

Commissioners discussed the exterior lighting plan.

- **Christina Brown** pointed out that there may be a contradiction between the second bullet which states that exterior lighting shall be limited to that required by code and the fourth bullet which states that lighting on signs shall be downward-shielded.
- Sign lighting wouldn't be allowed by the second bullet. It needs to be clarified.

Commissioners discussed affordable housing.

- **Peter Breese** clarified that the residential units will be year-round at market rate.
- The previous building had one retail unit and one residential, market-rate unit that had been destroyed several years ago by fire.

- LUPC considered that because the building had been destroyed several years ago, this proposal is within the MVC Affordable Housing Policy, and doesn't trigger the policy of suggesting that the demolition of an existing housing unit be replaced with an affordable unit. Commissioners discussed and agreed that, because the housing was now non-existent, this would be viewed as a new project.
- The Policy suggests a monetary mitigation of \$1,400. It doesn't call for an income-restricted affordable housing unit for a project of less than ten units.
- **Paul Foley** listed comparable affordable housing offers of other recent projects.
- LUPC had recommended and the Commission concurred that the offer to create two housing units that would be occupied on a year-round basis meets the spirit of the Policy and would be more of a positive contribution to housing affordability than the monetary mitigation.

Mark London clarified that the proposal is not to monitor or limit the ongoing number of trips. It is an exclusion of those uses which, according to the ITE handbook, generate more than 120 vehicle trips/ 1000 s.f. per day.

Mark London noted that this building is not part of the adjacent specific architectural ensemble of five historic buildings, and that it conforms to the general characteristics of the area.

John Breckenridge asked about access. **Peter Breese** said they are not showing the curb cut but would access the property from the rear. They might want to relocate the location of the easement on the abutter's property, but that doesn't really affect this proposal, since in either case, they would have access from the rear.

Christina Brown moved, and it was duly seconded, to approve the project with offers and conditions.

- **Christina Brown** added that she thinks the offers are terrific. The applicant worked with LUPC and the offers turned out to be what the Commission would condition.
- **Jim Athearn** said they expect staff can clarify the exterior lighting and signage offer.
- Commissioners reviewed the benefits and detriments.
 - The project will be an improvement to the area and is appropriate in view of the alternatives.
 - The project will be sewered and the stormwater will be contained on site.
 - The project will exceed Mass Building Code energy requirement by 20%.
 - Uses will not be high-traffic generating.
 - Scenic values will be improved, including the view from the ferry at this entry to the Island.
 - The project was well-designed and compatible with the neighbors.
 - Both of the apartments will be year-round which is a benefit to moderate income housing.
 - The project will generate tax revenue.
 - The project will keep business in the business district, conforms to zoning and conforms to DCPC regulations.

A roll call vote was taken. In favor: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Davisson, C. Murphy, K. Newman, D. Sederholm, A. Woodruff. Opposed: None. Abstentions: None. The motion passed.

3. MARTHA'S VINEYARD SAVINGS BANK: DRI NO. 493-M2 – CONCURRENCE REVIEW

James Athearn recused himself because he's on the Board of Corporators of the Bank. A quorum was not present so the concurrence review was postponed until September 18th.

4. NOVA VIDA: DRI NO. 603 – WRITTEN DECISION

Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Davisson, C. Murphy, K. Newman, D. Sederholm, A. Woodruff

Commissioners made the following changes/additions to the draft written decision.

- Staff will add the list of plans.
- Preston Avril will be added as making public testimony.
- Under A2, night lighting and noise, it should be noted that noise is addressed and there have been offers and conditions to mitigate the noise. It should also be noted that there will be a noise impact on abutters.
- It was noted that condition 1j has been revised to read that the applicant will create an 8 foot wide vegetative buffer along the southern property line, adjusting the parking layout as needed. The six foot high cedar fence shall be located within the buffer in a way to screen it with vegetation from the abutter's property. This buffer and fence treatment shall be included in the landscaping plan submitted to LUPC.
- Condition 1g was revised to read: " . . . play area for children. For child protection, the Church shall . . . "
- Condition 3f was revised to read: " . . . water use. At the end of the year if the flow should exceed the mitigated gallons, . . . "
- Condition 6c was revised to read: "As offered by the applicant, these activities shall be limited to between the hours of 9am and 9 pm between Columbus Day Weekend and Memorial Day Weekend.
- A new condition related to 6c should read: "The Church activities shall be limited to between the hours of 9am and 9 pm all year."
- Condition 7b reads "As offered by the applicant, the 1st floor shall always be a daycare for Island community children and the church community, but shall be limited to 28 children."
- A new condition related to 7b reads: "When the Hospital daycare vacates the building, the Applicant shall return to the MVC for review and approval for the continued use of the building as a daycare."
- New condition in section 12 reads: "There shall only be 30 formal parking spaces on the site. The reconfigured parking plan shall return for the review and approval of the LUPC before the Building Inspector issues a Certificate of Occupancy. "

Chris Murphy moved, and it was duly seconded to approve the project with offers and conditions. A roll call vote was taken. In favor: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, C. Murphy, D. Sederholm. Opposed: None. Abstentions: K. Newman, A. Woodruff

5. OTHER

5.1 Field Club

Final approval of Field Club Written Decision was deferred because of a lack of a quorum.

5.2 Calendar

Wednesday September 17th, 8:00 a.m. site visit for the Arena tower and 8:45 a.m. site visit for review of hospital bricks.

Monday, September 22nd 4:30 p.m.: LUPC will review MV Savings Bank proposal to build a new building over 2,000 sq. feet in West Tisbury

September 26 and 27th: the Living Local Harvest Festival is co-sponsored by the Energy Project, Island Grown Food, Agricultural Society and Conservation Society. The dinner is local pot luck. The Island Plan will have a presence.

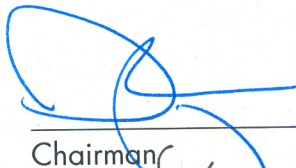
October 15th: Series at the Tisbury Library about energy

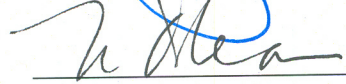
5.3 Other

Mark London reported that he signed a contract with a construction company for an energy upgrade to the Stone Building, including new insulation, new roof and gutters, and new windows.

Mimi Davisson acknowledged the Ag Fair's blue ribbon winners who are on the Commission or are Commission staff. Congratulations to all of them.

The meeting adjourned at 9:25 p.m.



Chairman


Clerk-Treasurer

11-6-08

Date
11-6-08

Date